

### **III. REMARKS**

1. Claims 1-53 remain in the application. The claims are amended to address the informalities noted by the Examiner. The amendments to the claims are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.
2. Claims 1-13, 15, 16, 20-25, 27-32, 34, 35, 37, 38, 45-51 and 53 are not anticipated by Brenner et al. (US Patent Pub. No. 2004/0139842)("Brenner") under 35 USC 102(e).

Claim 1 recites that the music data includes at least a first message type and a second message type. The first message type includes information for the notes to be played. The second message type includes other music related information for the terminal. The processor is "configured" by the information in the second type messages to activate the lights based on the information in the first type messages. At least these features are not disclosed or suggested by Brenner.

Brenner discloses an "audio file format." The format includes definitions for one or more instruments that are associated with one or more light groupings. Each light grouping includes one or more light sources. Received commands present in the audio file, and associated with an instrument definition, are compared to determine if the associated instrument definition corresponds to one of the one or more light groupings. If the associated instrument definition corresponds to a light grouping the commands are mapped to corresponding display effects, and the illumination of the one or more light sources of the respective light grouping is controlled. If the associated instrument definition of the received command corresponds to an audio instrument, then an audible output is controlled in accordance with the received command. (Abstract). However, what is not disclosed in Brenner is music data that includes a "first message type" and a "second message type" as is recited by Applicant in the claims.

Brenner only discloses an audio file format that includes definitions and commands. The definitions are for one or more "instruments" that are associated with one or more light groupings. The commands have to be associated with an instrument definition and are compared to determine if the associated instrument definition corresponds to one of the one or more light groupings. If the associated instrument definition corresponds to a light grouping the commands are mapped to corresponding display effects, and the illumination of the one or more light sources of the respective light grouping is controlled. This is not the same as the "first type messages" and the "second type messages" as recited by Applicant in the claims.

As recited by Applicant, the first type messages contain information for notes to be played. The Examiner draws a comparison between the "first type messages" recited by Applicant and the "audio file" of Brenner. However, the "audio file" of Brenner does not include information for notes to be played. Rather, Brenner associates instruments with light groupings, and commands are mapped to the corresponding display effects.

The Examiner also equates the "second type messages" claimed by Applicant with the "commands" present in the audio file of Brenner. The "second type messages" recited by Applicant contain other music related information for the terminal and are used to configure the processor to activate the lights based on the information in the first type messages. The "commands" in Brenner have to be associated with an instrument definition and are compared to determine if the associated instrument definition corresponds to one of the one or more light groupings. If the associated instrument definition corresponds to a light grouping the commands are mapped to corresponding display effects. However, the second type messages claimed by Applicant configure the processor to activate the lights based on the first information. Thus, at least these features are not disclosed or suggested by Brenner.

Stating that the audio file of Brenner is the equivalent of the first type messages and the second type messages is incorrect. Music data is stored in an audio file. The

Examiner draws the conclusion that the audio file is the equivalent of the first type messages claimed by Applicant. However, if the stored music data includes first and second type messages, the audio file itself cannot be the first type message as is claimed by Applicant.

Since at least these features are not disclosed or suggested by Brenner, claim 1 cannot be anticipated. Claims 27, 45 and 53 are similarly not anticipated. Claims 2-13, 15, 16, 20-25, 28-32, 34, 35, 37, 38, 46-51 are not anticipated at least by reason of their respective dependencies.

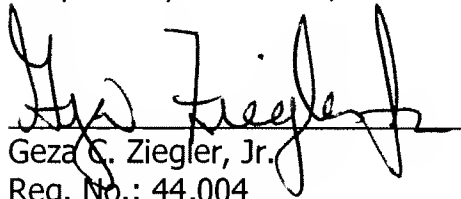
3. Claims 14, 17-19, 26, 33, 36, 39-44 and 52 are not unpatentable over Brenner pursuant to 35 USC §103(a) at least by reason of their respective dependencies.

Further, Applicant's claimed subject matter is directed to allowing the second type messages to control the activation of the lights in rhythm with the music being played. When doing this, the lights of a playback device can be activated without the need for defining new instruments in the standard according to which the music is saved. In Brenner, the lights are defined as new instruments that do not exist in the MIDI standard. For example, in paragraph 0026, the lights are defined as instruments in bank 7A, that is apparently not used in the present MIDI standard. Thus, Brenner requires modification of the MIDI standard. However, Applicant's claimed subject matter is directed to avoiding defining any new instruments that require any change or modification of the MIDI standard. Thus, Applicant's claimed subject matter is directed to a problem not addressed or solved by Brenner, which is the ability to avoid changing or modifying the MIDI standard. Thus, the claimed subject matter provides advantages over the art of record and are not and cannot be obvious over Brenner for purposes of 35 USC §103(a).

It is respectfully submitted that all of the claims present in the application are clearly novel and patentable, and are in proper form for allowance. Accordingly, favorable

consideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,



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